

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICHARD C. HUNT,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 04-1417-KAJ
)	
FIRST CORRECTIONAL MEDICAL)	
SERVICES, STAN TAYLOR, and)	
RAPHAEL WILLIAMS,)	
)	
Defendants.)	

**STATE DEFENDANTS STAN TAYLOR AND RAPHAEL WILLIAMS'
ANSWER TO THE AMENDED COMPLAINT**

COME NOW State Defendants Stan Taylor and Raphael Williams ("State Defendants"), by and through the undersigned counsel, and hereby answer the Complaint as follows:

1. As to paragraph beginning "On Sept. 17. 04," State Defendants are without sufficient information to admit or deny the allegations set forth in this paragraph of the Complaint.
2. As to paragraph beginning "Sept. 20. 04," State Defendants admit that, for a period of time during September 2004, Plaintiff was housed in the infirmary at Howard R. Young Correctional Institution ("HRYCI") and prescribed a liquid diet. State Defendants are without sufficient information to admit or deny the remaining allegations set forth in this paragraph of the Complaint.

3. As to paragraph beginning “On Oct. 18. 04,” State Defendants are without sufficient information to admit or deny the allegations set forth in this paragraph of the Complaint.

4. As to paragraph beginning “The length of time,” these allegations are not directed to State Defendants and therefore no response is required. To the extent that a response is required, the allegations set forth in this paragraph are denied.

5. Denied as to paragraph beginning “The Corrections Commissioner.”

RELIEF

1. It is specifically denied that Plaintiff is entitled to compensatory, punitive or any monetary damages.

2. It is specifically denied that Plaintiff is entitled to declaratory, injunctive or any other relief.

AFFIRMATIVE DEFENSES

3. Plaintiff has failed to state a claim upon which relief can be granted.

4. Plaintiff has failed to exhaust his administrative remedies.

5. State Defendants are immune from liability under the Eleventh Amendment.

6. State Defendants are entitled to qualified immunity.

7. As to any claims under state law, State Defendants are entitled to immunity under the State Tort Claims Act, 10 *Del. C.* § 4001 *et seq.*

8. As to any claims under state law, State Defendants are entitled to sovereign immunity in their official capacities.

9. State Defendants cannot be held liable in the absence of personal involvement for the alleged constitutional deprivations.

10. To the extent that Plaintiff seeks to hold State Defendants liable based on supervisory responsibilities, the doctrine of *respondeat superior* or vicarious liability is not a basis for liability in an action under 42 U.S.C. § 1983.

11. State Defendants, in their official capacities, are not liable for alleged violations of Plaintiff's constitutional rights as they are not "persons" within the meaning of 42 U.S.C. § 1983.

12. Insufficiency of service of process.

13. Insufficiency of process.

14. Lack of jurisdiction over the person and subject matter.

WHEREFORE, State Defendants respectfully request that judgment be entered in their favor and against Plaintiff as to all claims and that attorney fees be awarded to them.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly
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Attorney for State Defendants

Date: April 4, 2006

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2006, I electronically filed *State Defendants' Answer to the Complaint* with the Clerk of Court using CM/ECF. I hereby certify that on April 4, 2006, I have mailed by United States Postal Service, the document to the following non-registered party: Richard C. Hunt.

/s/ Eileen Kelly
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